

Amendment No. 2 to HB0327

DeBerry J
Signature of Sponsor

AMEND Senate Bill No. 859

House Bill No. 327*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-102(22), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(22) "Foster care", for purposes of this part, shall have the meaning given to that term in § 37-1-102, provided that no plan or permanency plan, as defined in § 37-2-402, shall be required in the case of foster care provided by or in any agency, institution or home in connection with an adoption of a child, so long as a petition for the adoption of that child by an individual or individuals to whom care of that child has been given is filed in a court of competent jurisdiction within six (6) months of the time that child first comes into the care of such agency, institution or home;

SECTION 2. Tennessee Code Annotated, Section 36-1-102(23), is amended by deleting the subdivision in its entirety and substituting instead the following:

(23) "Foster parent", for purposes of this part, shall have the meaning given to that term in § 37-1-102;

SECTION 3. Tennessee Code Annotated, Section 36-1-102(32), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(32) "Licensed clinical social worker", for purposes of this part, means an individual who holds a license as an independent practitioner from the board of social worker certification and licensure pursuant to title 63 chapter 23, and, in addition, is licensed by the department to provide adoption placement services;

SECTION 4. Tennessee Code Annotated, Section 36-1-108(b)(1), is amended by deleting from the subdivision the language "a foster home or" and by adding the word "an" before the words "adoptive home".

SECTION 5. Tennessee Code Annotated, Section 37-1-102(b)(12)(H), is amended by deleting the subdivision in its entirety and substituting instead the following:

(H) Who has been in the care and control of one (1) or more agency or person not related to such child by blood or marriage for a continuous period of six (6) months or longer in the absence of a power of attorney or court order, and such person or agency has not initiated judicial proceedings seeking either legal custody or adoption of the child; or

SECTION 6. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding a new subdivision 37-1-102(b)(15) as follows:

(15) "Foster care" means the temporary placement of a child in the custody of the department of children's services or any agency or institution, whether public or private, for care outside the home of a parent or relative, by blood or marriage, of the child, whether such placement is by court order, voluntary placement agreement, surrender of parental rights or otherwise;

SECTION 7. Tennessee Code Annotated, Section 37-1-102(b), is further amended by adding a new subdivision 37-1-102(b)(16) as follows:

(16) "Foster parent" means, for purposes other than § 37-2-414, a person who has been trained and approved by the department or licensed child-placing agency to provide full-time temporary out-of-home care at a private residence for a child or children who has been placed in foster care, or in the case of a child or children placed for adoption, a person who has provided care for such child or children for a period of six (6) months or longer in the absence of a power of attorney or court order;

SECTION 8. Tennessee Code Annotated, Section 37-1-102(b), is further amended by renumbering the present subdivisions beginning with subdivision (b)(15) to

take into account the additions of the new subdivisions as set forth in Sections 6 and 7 of this act.

SECTION 9. Tennessee Code Annotated, Section 37-2-402, is amended by deleting subdivision (5) and redesignating existing subdivisions accordingly.

SECTION 10. This act shall take effect July 1, 2009, the public welfare requiring it.